

OTE: IN ACCORDANCE WITH PROVISIONS OF THE ARIZONA REVISED STATUTES AND THE FLAGSTAFF CITY CHARTER, THE SUMMARIZED MINUTES OF CITY COUNCIL MEETING ARE NOT VERBATIM TRANSCRIPTS. ONLY THE ACTIONS TAKEN AND DISCUSSIONS APPEARING WITHIN QUOTATION MARKS ARE VERBATIM. AUDIO RECORDINGS OF CITY COUNCIL MEETINGS ARE ON FILE IN THE CITY CLERK'S OFFICE.

SUMMARIZED MINUTES COUNCIL MEETING

**April 17, 2012
12:00 p.m.**

A meeting of the Flagstaff City Council was held on April 17, 2012 convening at 12:00 p.m. in the Council Chambers at City Hall, 211 West Aspen Avenue, Flagstaff, Arizona.

CALL TO ORDER

The meeting was called to order by Mayor Presler at 12:00 noon.

1. ROLL CALL

On roll call, the following were present:

Mayor Presler

Vice Mayor Barotz

Councilmember Brewster

Councilmember Evans

Councilmember Overton

Councilmember White (arrived at 12:05 p.m.)

Councilmember Woodson

Also present were:

Kevin Burke, City Manager

Rosemary Rosales, City Attorney

2. PUBLIC PARTICIPATION

None.

3. BOARD AND COMMISSION APPOINTMENTS

None.

4. LIQUOR LICENSE PUBLIC HEARINGS

None.

5. CONSENT AGENDA

- A Consideration and Approval of Construction-Manager-at-Risk Contract:** Design services for the Butler Avenue medians and the South Beaver and Leroux infrastructure improvements.

RECOMMENDED ACTION: (1) Approve the Construction-Manager-at-Risk contract with Hunter Contracting Co. in the amount of \$38,833.31, with a contract time of 75 calendar days;
(2) Approve change order authority in the amount of \$4,000.00 for unanticipated or additional items of work; and
(3) Authorize the City Manager to execute the necessary documents.

Councilmember Woodson declared a conflict of interest and did not participate in the discussion or vote.

Councilmember Overton requested that the property owners be notified about the work in the medians.

Councilmember Evans moved to take the recommended action, seconded by Councilmember Brewster. The motion carried by a unanimous vote, with Councilmember Woodson excused from the vote due to a conflict of interest.

- B. Consideration and Approval of Construction Contract:** West Street and Arrowhead Avenue reconstruction.

RECOMMENDED ACTION: (1) Approve the construction contract with LP's Excavating and Paving in the amount of \$2,663,398.10, including a \$145,000.00 contract allowance and a 150-day contract period;
(2) Approve change order authority in the amount of \$251,839.81 (10% of the contract amount excluding allowance) for unanticipated or additional items of work; and
(3) Authorize the City Manager to execute the necessary documents.

Councilmember Woodson declared a conflict of interest and did not participate in the discussion or vote.

Councilmember Evans moved to accept the recommended action. The motion was seconded by Vice Mayor Barotz and the vote was unanimous in favor. Councilmember Woodson was excused from the vote due to a conflict of interest.

C. **Consideration and Approval of Construction-Manager-at Risk Contract:** 2012 street maintenance program.

- RECOMMENDED ACTION:
- (1) Approve the Construction-Manager-at-Risk contract with C and E Paving and Grading, LLC for Guaranteed Maximum Price #1 in an amount not to exceed \$790,000.00; and Guaranteed Maximum Price #2 in an amount not to exceed \$1,288,950.00;
 - (2) Approve change order authority of 5% each for Guaranteed Maximum Price #1 in the amount of \$39,500.00 and for Guaranteed Maximum Price #2 in the amount of \$64,447.50 to cover potential costs associated with unanticipated or additional items of work; and
 - (3) Authorize the City Manager to execute the necessary documents.

D. **Consideration and Approval of Service Agreement:** Flagstaff Pulliam Airport concrete ramp joint replacement design services.

- RECOMMENDED ACTION:
- (1) Approve the service agreement with Kimley-Horn and Associates in amount not to exceed \$34,700.00;
 - (2) Approve change order authority in the amount of \$1,735.00 to cover potential costs associated with unanticipated or additional items of work; and
 - (3) Authorize the City Manager to execute the necessary documents.

E. **Consideration and Approval of Grant Agreement:** Flagstaff Pulliam Airport Taxiway Alpha rehabilitation and electrical upgrades.

- RECOMMENDED ACTION: Approve the grant agreement with the Arizona Department of Transportation, Multi-Modal Division, in the amount of \$92,442.00, with a city match of \$92,441.00.

Councilmember Evans moved to approve the Consent Agenda with the exception of Items A & B. Motion seconded by Councilmember Woodson. The motion passed by a unanimous vote.

6. ROUTINE ITEMS

A. **Consideration and Adoption of Ordinance No. 2012-04:** An ordinance amending Title 6, Police Regulations, Chapter 6-01, General Offenses, by repealing Section 6-01-001-0016, Search Lights Restricted; and reserving the same for future use.

- RECOMMENDED ACTION: Read Ordinance No. 2012-04 for the final time by title only.
Adopt Ordinance No. 2012-04.

Councilmember Overton moved to read Ordinance No. 2012-04 for the final time by title only. Motion seconded by Councilmember Evans. The motion passed unanimously and the title was read for the final time as follows:

ORDINANCE NO. 2012-04

An ordinance amending Title 6, Police Regulations, Chapter 6-01, General Offenses, by repealing Section 6-01-001-0016, Search Lights Restricted; and reserving the same for future use.

Councilmember Brewster moved to adopt Ordinance No. 2012-04. The motion was seconded by Councilmember White and passed on unanimous vote.

- B. **Consideration and Adoption of Ordinance No. 2012-05:** An ordinance adopting new Title 13 of Flagstaff City Code entitled "Engineering Design and Construction Standards and Specifications for New Infrastructure."

RECOMMENDED ACTION: Read Ordinance No. 2012-05 for the final time by title only.

Adopt Ordinance No. 2012-05.

Councilmember Evans moved to read Ordinance No. 2012-05 for the final time by title only, seconded by Councilmember Brewster. The motion passed unanimously and title was read as follows:

ORDINANCE NO. 2012-05

An ordinance adopting new Title 13 of Flagstaff City Code entitled "Engineering Design and Construction Standards and Specifications for New Infrastructure."

Councilmember Brewster moved to for adoption. With a second by Councilmember Evans, the motion was approved by unanimous vote.

- C. **Consideration and Adoption of Ordinance No. 2012-06:** An ordinance amending Flagstaff City Code, Title 6, Police Regulations, Chapter 6-01, General Offenses, Section 6-01-001-0013, Weapons, Restrictions, Prohibitions, by clarifying those provisions related to the use and discharge of air guns or air pistols within the City limits; and striking those provisions related to firearms and other deadly weapons.

RECOMMENDED ACTION: Read Ordinance No. 2012-06 for the final time by title only.

Adopt Ordinance No. 2012-06.

Councilmember Overton moved to read Ordinance No. 2012-06 for the final time by title only, seconded by Councilmember Evans. The motion passed unanimously and title was read as follows:

ORDINANCE NO. 2012-06

An ordinance amending Flagstaff City Code, Title 6, Police Regulations, Chapter 6-01, General Offenses, Section 6-01-001-0013, Weapons, Restrictions, Prohibitions, by clarifying those provisions related to the use and discharge of air guns or air pistols within the City limits; and striking those provisions related to firearms and other deadly weapons.

Upon motion by Councilmember White for adoption, with a second from Councilmember Evans, the vote was unanimous in favor.

- D. **Consideration and Adoption of Resolution No. 2012-16:** A resolution approving the City of Flagstaff 2012/2013 Annual Action Plan and authorizing its submission to the United States Department of Housing and Urban Development.

RECOMMENDED ACTION: Read Resolution No. 2012-16 by title only.
Adopt Resolution No. 2012-16.

Councilmember Brewster moved to read Resolution No. 2012-16 by title only, seconded by Councilmember Evans. The motion passed on unanimous vote and title was read as follows:

RESOLUTION NO. 2012-16

A resolution approving the City of Flagstaff 2012/2013 Annual Action Plan and authorizing its submission to the United States Department of Housing and Urban Development.

Councilmember Evans moved to adopt Resolution No. 2012-16. The motion was seconded by Councilmember Brewster and passed by a unanimous vote.

7. RECESS

The meeting was recessed at 12:11 p.m.

5:30 P.M. MEETING

RECONVENE REGULAR MEETING

The meeting reconvened at 5:42 p.m. and Mayor Presler called the meeting back to order.

9. PLEDGE OF ALLEGIANCE, INVOCATION, AND VISION STATEMENT

Mayor Presler asked those present to stand for the Pledge of Allegiance, the reading of the Vision Statement, and the Invocation.

10. ROLL CALL

On roll call the following were present:

Mayor Presler

**Vice Mayor Barotz
Councilmember Brewster
Councilmember Evans
Councilmember Overton
Councilmember White
Councilmember Woodson**

Also present were:

**Kevin Burke, City Manager
Rosemary Rosales, City Attorney**

11. APPROVAL OF MINUTES FROM PREVIOUS MEETINGS**PUBLIC PARTICIPATION PROCLAMATIONS, AND RECOGNITION OF OUTGOING BOARD AND COMMISSION MEMBERS**

a. Presentation of Proclamation: Scottish Heritage Month.

Councilmember Overton present a proclamation proclaiming April as Scottish Heritage Month to a local group of Scottish Americans, who celebrated with world-renowned bagpipe player Willie McCallum.

Gordon Watkins addressed the Council and welcomed William McCallum, an 8-time world champion in Glenfydich on the bagpipes, as well as filmmakers and crew, and entourage. J

James Jay accepted the proclamation and read a poetic excerpt from Farewell to the Highlands.

Mr. McCallum played an additional Scottish melody as the group exited the room.

b. Open Public Participation.

Susan Gardino, manager of Country Host and Porky's expressed their concerns over the BNSF closure of the road. which has adversely affected their business.

Jan McCraig, 2043 West Fresh Aire, told the Council about problems she has been having a a resul of the pocket park built next to her home. The City says it's a private property issue and the homeowners association has become unresponsive. She asked for a helping hand from the City.

Rudy Preston expressed his unhappiness with prisoner treatment at jail the detention facility.

Meg Denheho was very unhappy with the Council's statements on television after she expressed her concern about individuals expressing their rights under the freedom of speech act at the last Council meeting.

Jason Brock, Occupy Walk USA, voiced his support for Mr. Preston's comments about Flagstaff's prisons.

12. CARRY OVER ITEMS FROM THE 12:00 NOON AGENDA

None.

13. PUBLIC HEARING ITEMS

14. REGULAR AGENDA

- A. **Consideration and Possible Adoption of Ordinance No. 2012-01:** An ordinance amending Flagstaff City Code, Title 3, Business Regulations, Chapter 3-02, Pawnbrokers, Secondhand and Junk Dealers, by expanding the definition of secondhand dealers, to include, among other things, previous metal dealers; requiring secondhand and antique dealers to pay a fee for each transaction they are legally required to report; deleting those provisions related to junk dealers and junk collectors; and requiring pawnshops, secondhand dealers and antique dealers to electronically submit reporting information.

RECOMMENDED ACTION: (1) Select Ordinance No. 2012-01, Option A or Option B; and
(2) Read Ordinance No. 2012-01, selected option, for the first time by title only.

Kevin Treadway, Police Chief, introduced Sgt. Roberta Coons, and City Attorney James Speed.

Based on a count of the pawn transactions and secondhand transactions, if the pawn fee is increased to \$3.00, the Police Department could recoup \$94,000 toward the cost of the program. In 2001, homicide suspects sold estate jewelry at Frederick Fisher Jewelers. In 2005, Bookman's purchased \$140,000 worth of rare comic books taken in a residential burglary. In 2011, 13 cases involving secondhand property which were predominantly taken from stores were brought over to the stores for pawning.

Sean Feeney, Bookman's, complimented the Police Department for working cooperatively with Bookman's. He urged the Council to consider Option B. He had no objection to the \$3.00 fee, but asked for reconsideration of the fee next year if it draws more revenue than anticipated.

Councilmember Evans moved to read Ordinance No. 2012-01 (Option B), seconded by Councilmember Woodson. The motion passed on unanimous vote and the title was read as follows:

ORDINANCE NO. 2012-01

An ordinance amending Flagstaff City Code, Title 3, Business Regulations, Chapter 3-02, Pawnbrokers, Secondhand and Junk Dealers, by expanding the definition of secondhand dealers, to include, among other things, previous metal dealers; requiring secondhand and antique dealers to pay a fee for each transaction they are legally required to report; deleting those provisions related to junk dealers and junk collectors; and requiring pawnshops, secondhand dealers and antique dealers to electronically submit reporting information.

B. Consideration and Approval of Street Closure: Human Rights March.

RECOMMENDED ACTION: Approve the rolling street closures of Aspen Avenue between Sitgreaves and San Francisco Street, San Francisco Street between Aspen Avenue and Birch Avenue, Leroux Street between Birch Avenue and Aspen Avenue on Saturday, April 28, 2012 from 4:00 p.m. through 5:30 p.m.

Brian Grube and Glorice Pavey and Dawn Dwyer participated in the discussion.

Although the event coordinator did not meet the 15 day deadline, the downtown merchants were notified via email as soon as the matter was submitted for Council consideration. The route for the parade has been changed to avoid walking against traffic and no more than two intersections at a time will be closed. Police presence will be provided for the event. Keeping within the allotted time is a condition of the application. The group paid a late fee and everyone was notified by Sunday night. The march will move continuously and should not take more than one hour, once moving. A post event meeting will be held to determine if the conditions of the application were met.

The following people spoke in support of the march:

- Katie (last name unknown)
- Rudy Preston
- Shelley Ray

Councilmember Evans suggested writing a notice of the event details and providing the information to the downtown business owners.

Mayor Presler moved to approve the rolling street closures of Aspen Avenue between Sitgreaves and San Francisco Street, San Francisco Street between Aspen Avenue and Birch Avenue, Leroux Street between Birch Avenue and Aspen Avenue on Saturday, April 28, 2012 from 4:00 p.m. through 5:30 p.m. The motion was seconded by Councilmember Overton and passed on unanimous vote.

15. DISCUSSION ITEMS**A. Consideration/Council Discussion:** Resolution stating that money is not free speech (Citizens United Supreme Court case).

RECOMMENDED ACTION: Discuss and provide direction, if any.

The Council unanimously agreed to place this item on a future agenda and directed staff to prepare a resolution in line with what was originally submitted. The proposed resolution will be brought to Council by the end of May, 2012.

B. Consideration/Council Discussion: Definition of schools within the medical marijuana provisions of the Zoning Code.

RECOMMENDED ACTION: Discuss and provide direction, if any.

CITY CLERK